

CONSUMER ACTION NETWORK

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Of, By and For Deaf and Hard of Hearing Americans

8719 Colesville Road #300, Silver Spring, MD 20910
301-589-3006 TTY, 301-589-3786 Voice, 301-589-3797 FAX
Legislative Representative: Barbara Raimondo
128 North Abingdon Street, Arlington, VA 22203
703-528-0170 TTY, Voice, 703-528-4451 FAX

MAR 15 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

March 15, 1996

Secretary
Federal Communications Commission
1919 M Street NW
Washington, DC 20554

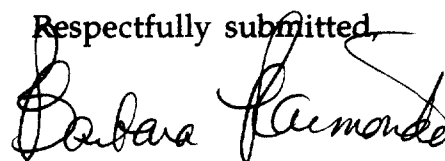
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Dear Mr. Secretary:

The Consumer Action Network (CAN) is pleased to submit these comments on the Commission's Notice of Inquiry on Closed Captioning and Video Description (FCC 95-484). CAN, a coalition of 19 national organizations of, by, and for deaf and hard of hearing people, addresses advocacy and legislative issues important to our constituency. Such issues include protecting the rights of deaf and hard of hearing persons and improving quality of life, empowering consumer leadership and self-representation, and ensuring equal access to education, employment, communication, technology, and community life.

CAN thanks the Commission for the opportunity to comment on this important issue and for its commitment to making access to telecommunications services a reality for all Americans.

Respectfully submitted,



Barbara Raimondo, Esq.
Legislative Representative

Enclosures

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REGULAR MEMBERS: American Association of the Deaf-Blind • American Athletic Association of the Deaf • American Society for Deaf Children • Association of Late Deafened Adults • Deaf Women United, Inc. • Gallaudet University Alumni Association • National Association of the Deaf • National Black Deaf Advocates • National Congress of Jewish Deaf • National Fraternal Society of the Deaf • National Hispanic Council of Deaf and Hard of Hearing People • Telecommunications for the Deaf, Inc. AFFILIATE MEMBERS: Association of College Educators: Deaf and Hard of Hearing • American Deafness and Rehabilitation Association • Convention of American Instructors of the Deaf • The Caption Center • Conference of Educational Administrators Serving the Deaf, Inc. • National Captioning Institute • Registry of Interpreters for the Deaf, Inc.

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
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RECEIVED

MAR 15 1996

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

In the Matter of)	
)	
Closed Captioning and Video)	CC Docket No. 95-176
Description of Video Programming)	

**Comments of
the Consumer Action Network**

Introduction

The Consumer Action Network (CAN) is pleased to submit these comments to the Federal Communications Commission on its Notice of Inquiry on Closed Captioning and Video Description. CAN, a coalition of 19 national organizations¹ of, by, and for deaf and hard of hearing people, addresses advocacy and legislative issues important to our constituency. Such issues include protecting the rights of deaf and hard of hearing persons, improving quality of life, empowering consumer leadership and self-representation, and ensuring equal access to education, employment, communication, technology, and community life.

CAN thanks the Federal Communications Commission for its commitment to access for all Americans and for the opportunity to comment on this important issue. We support the comments submitted by the National Association of the Deaf and Telecommunications for the Deaf, Inc., and while our comments will focus solely on captioning, we also support the comments submitted by the American Foundation of the Blind regarding television video description.

¹Please see signature page for a list of CAN members.

Paragraph 11. We ask parties to elaborate on the importance and nature of [captioning's] benefits.

As the Commission points out, television plays a dominant role in our society. Americans depend on television for news, information, and entertainment. However, just as hearing people derive little or no benefit from watching television with the volume off, deaf or hard of hearing persons derive little or no benefit from watching a program with no captions. Captioning is to deaf and hard of hearing people what sound is to hearing individuals. It must be thought of as such by video providers. It must be part of the production and exhibition process the same way sound is. It must be treated as essential.

The days before captioning were dark ones indeed for deaf and hard of hearing people. One deaf consumer writes:

When I was a little girl, my hearing classmates and family enjoyed Happy Days, Diff'rent Strokes, Three's Company, and Little House on the Prairie. Me? I had to be content with the limited amount of open-captioned programming in those days -- Zoom, Once Upon a Classic, and an occasional Masterpiece Theatre. Watching television with the family was stressful -- "Why are you laughing? What's so funny? What's so sad?" "Oh, be quiet, we are trying to watch!" "Go away, we are watching our favorite program!"

I could not share the conversations of my hearing classmates and even my hearing friends about their favorite television programs. I could not watch some of the educational programs that teachers assigned the class to watch.

So much for entertainment. What about news? If I wanted to see the news, it meant staying up until midnight or getting up at 6:30 a.m. to see the open-captioned ABC World News Tonight. When I was just eight or nine years old, I was forcing myself to get up very early just to see the news.

Then one day, when I was 14, I read in my local newspaper a very exciting small notice: National Captioning Institute formed, closed captioning decoders to be sold by Sears in Spring 1980. Wow! I was so excited. I ran to my mother to show her the notice, and we decided right then and there I was going to have a decoder. However, my mother had recently been divorced and there was no money. I had to save the money myself, by baby-sitting and not buying any clothing - a real sacrifice for a teenage girl - for SIX months.

Finally the day came, and we went to Sears to get my decoder. I was one of the very first people to get one. My mother cried as I received my decoder.

The situation has improved, as one hearing parent of a deaf child explains:

I am at a loss of where to begin about how captioning has helped me, my hard of hearing friends and my profoundly deaf son. For the past 10 years, I have had the opportunity to use captioning. It has been a blessing for my son and numerous other people that can not hear or can not hear well. I myself use it to clarify what I occasionally miss when I watch TV. Elderly friends that are hard of hearing use it regularly to watch news and other shows on TV. Captioning has become the norm in our household. Without it, my son is cut off from the world available to all hearing kids. My son's first language is American Sign Language, but I can say that captioning has helped my son to learn to read and allowed him to learn about the world around him. Primarily, he is motivated to learn to read because he wants to know what is happening. Without captioning, he would not be able to watch a Star Wars movie, Shining Time Station show, Power Rangers show, etc. When we try to watch a show without captioning, I must spend the entire TV show or movie interpreting into ASL. Sometimes I am not available to interpret and I am also not a professional interpreter. As a result, he misses what is happening.

Another parent continues:

Having access to captioned videos has allowed my deaf daughter to have access to the same popular characterization and cultural symbols as her hearing friends. She has enjoyed all of the Disney movies, learned Raffi's songs as a youngster, and now relishes such 9-year old staples as the Babysitter Club Movies! Such "cultural competence" (if you will excuse the very broad sense of the term) allows her to fit in with her peers and to enjoy the same things they enjoy. My daughter is not able to enjoy new movies at the theater in the same way her hearing peers are but she can, at least, enjoy them once they are on video.

There has also been a very real educational benefit as well. She is able to access educational television programs and videos that would not be available to her without captions. She is also able to gain emergency information such as knowing when tornado warnings are issued.

Some 71% of deaf or hard of hearing children attend their local public school.² In many cases that child is the *only* deaf or hard of hearing child in the school. An overwhelming number of school districts are not prepared to meet the needs of these children. The teacher does not sign, if there is an interpreter at all he or she often has minimal expertise, assistive listening devices are not available, and the visual environment is not set up in a way

² 1993-94 *Annual Survey of Deaf and Hard of Hearing Children and Youth*, Center for Assessment and Demographic Studies, Gallaudet University, Washington, DC.

that is advantageous to the deaf or hard of hearing child. In this environment, captioned programming may be one of the few kinds of information that is completely accessible to the deaf or hard of hearing child. The present educational practice is to place more and more deaf or hard of hearing children in the mainstream classroom. A concurrent movement - sparked in large part, to its credit, to the Commission - seeks to link classrooms to the "information superhighway." The importance of captioned programming for deaf and hard of hearing children in this environment cannot be overstated.

Further, deaf children have unique learning needs. Unless they are in an environment where everyone signs - and most are not - they do not "overhear" conversations the way hearing children do. Information has to be provided directly to them. They get information about the world through conversations with their parents, teachers, and peers, through reading books and newspapers, and through watching captioned television and videos. Television and computers become an even more important source of information for these children. Technology becomes a lifeline to information.

Of course, the benefits of captioning are not limited to children.³ As one deaf adult reports:

I wouldn't watch television at all if I didn't have captions. I cannot listen to the radio so captioned TV is the only way I can get up to date information. I read newspapers and news magazines, too. Captioning is so important that I will not watch any television programming that is not captioned. I simply miss too much. By the way, I've put decoders on other people's televisions whom I visit so I can watch television with them as well.

Captioning has given deaf and hard of hearing people more access to information about current events, local and community issues, and popular

³ For further information on the number of individuals with hearing disabilities who can benefit from captioning, please see the comments of the National Association of the Deaf.

culture. Many deaf and hard of hearing viewers say that with captioning they experience a greater sense of equal access to information. They are more aware of political issues and can receive political information quickly.

Perhaps the importance of captioning can be most appreciated by its absence, as one deaf consumer relates: "In between the snowstorms in early January I was away from home, and I had to travel from one town to the next. I needed to know which roads were open. Unfortunately that information was not captioned on the local news, so I had no way of finding out."

Another deaf consumer tells of a frightening experience: "I was in Iowa when a tornado was predicted. I turned on the television to get information. The weather report was not captioned, so I could not tell when the tornado was expected to hit. I was scared to death."

We can only guess at what telecommunications services will be available over video or television monitors in the coming years. It is essential that all programming provided through these services be captioned.

Paragraph 12. We seek comment on the nature and extent of potential [literacy, learning, and convenience] benefits, including the most up-to-date data on the number of individuals who would utilize closed captioning . . . for these purposes.

Literacy and Learning

Research provides evidence of the benefit of using captioned material for both hearing and deaf readers.

Children Learning to Read

There are approximately 12 million young children in the United States learning to read (Attachment). Increasingly, teachers are using captioned television to facilitate this process. Teachers report that captioned television is well suited to the development of vocabulary skills and can be

used to develop a variety of other skills, such as prediction, character analysis, and sequencing.

One researcher notes, "The use of closed captioning combines the written word, video action, and audio input for a multisensory, holistic approach to language acquisition."⁴ Another comments "With captioned television as a medium, students can approach the printed word with a rich sense of the passage meaning. With that meaning already associated with the television drama, reading can become an exciting and motivating learning experience."⁵

Anecdotal evidence bears this out. Many parents have reported that their hearing children read far above grade level, due, in their opinion, to watching captioned television.

Adult Readers

There are approximately 27 million illiterate adults in this country (Attachment). The economic and social effects of illiteracy are incalculable. Individuals with low literacy skills earn far lower wages and have fewer occupational and personal choices than those with a higher level of literacy skills.

A recent study⁶ showed that captioned programming can improve the reading level of beginning adult readers. In this study, one group of subjects watched captioned television over a period of 10 months, while the other group of subjects watched traditional television during that time. Individuals who watched captioned television scored significantly higher than their peers

⁴ Epstein, "The Moving-Picture Book," *Cable in the Classroom*, June 1992, p. 12.

⁵ Jensema, *The Benefits of Closed Caption Television as Reading Material for Children*, Institute for Disabilities Research and Training, Inc., Silver Spring, 1994, p. 3.

⁶ *Using Captioned Television to Enhance the Vocabulary and Reading Comprehension of Adult Beginning Readers*, Koskinen et al., American Educational Research Association, New Orleans, LA, 1994.

who watched traditional television on measures of vocabulary and reading comprehension. Subjects reported that they paid attention to the captions (81%), read the captions (75%), thought captions helped them learn (97%), and thought captions would be very helpful to young people in their homes (74%).

Persons with Learning Disabilities

Many adults in this country who are illiterate have learning disabilities. Further, 4.5% of children in American schools have been identified as learning disabled.⁷ For most learning disabled children, difficulty in learning to read is their major indication of a learning disability. Word learning is related to the frequency of exposure to print, however, children with reading disabilities tend to avoid reading and thus have less exposure to print. That is where captioned television can play an important role. In a major study,⁸ children with learning disabilities viewed captioned television at home over a period of eight to ten months, while children in a control group watched traditional television. Those who watched captioned television performed higher than children who watched traditional television in three critical dimensions of literacy: word identification, word comprehension, and comprehension of text. Parents' and children's attitudes toward captioned television were positive. Parents reported that they believed watching captioned television helped their children learn to read, and at the end of the study, 85% of parents in the captioning group reported that they would like to continue having closed captions on the television in their home. Parents in the captioning group reported that their children were

⁷ Koskinen et al., *Captioned Television and the Incidental Learning of Literacy Skills by Children with Learning Disabilities*, Submitted to U.S. Department of Education, Federal Grant No. HO26R20002, Institute for Disabilities Research and Training, Inc., Silver Spring, MD, 1994.

⁸*Id.*

better readers as compared to the reports of the parents in the control group. Finally, parents in the caption group reported reading more frequently to their children than parents in the control group. The researchers speculate that as children in the captioned group increased in reading competence, their parents were more encouraged to engage in reading aloud to them. The researchers conclude:

“Captioned television appears to provide a particularly rich language environment that provides learning disabled students with opportunities for reading development. In addition, the findings of this study suggest that captioned television in the homes of elementary age learning disabled students may promote and foster family literacy practices that support and nurture their literacy development.”⁹

Learners of English as a Second Language (ESL)

There are approximately 30 million Americans learning English as a second language (Attachment). Currently more than 2.2 million children who speak English as a second language attend public school in the United States, and it is estimated that by the year 2000 over 3.4 million children in the United States public school systems will speak English as a second language.¹⁰ Studies have demonstrated the benefits of captioning for this population.

Second language learning requires that the language be used in a meaningful context and that the learner possess a high level of motivation. Video can provide meaningful context and inspire the motivation. Viewers “become immersed in a literacy environment where they are able to see, hear, read, and listen to the English language as they view their favorite television programs in the secure environment of their home. Captioned television provides second language learners with a motivating tool through which

⁹Id. at 15.

¹⁰ *The Condition of Bilingual Education in the Nation: A Report to the Congress and the President*, Department of Education, Washington, DC, 1991.

they can learn the English language in the context of the American culture.”¹¹

A researcher that studied the effects of captioned television videotapes on ESL students’ listening comprehension showed that ESL students derive substantial comprehension benefits from viewing videotaped television material with captions, regardless of whether the subjects were beginning, intermediate, or advanced level learners.¹² Another study¹³ compared ESL students in four groups: students who watched captioned television, those who viewed traditional television, individuals who read along while listening to text, or those who read a textbook only. The results supported the use of captioning. Students in the captioned group learned more words incidentally from captioned television than students in the other groups. Students who viewed captioned television consistently outscored those who did not on all measures of word knowledge used in the study. Students in the captioning group seemed to remember more content information than those in the other groups. The researchers state, “Captioned television appeared to provide a particularly rich language environment which enabled students to learn words incidentally through context as they developed [content] concepts.”¹⁴

¹¹ *An Investigation of the Effects of Captioned Television Viewing, in the Home Setting, on the Incidental Learning of Vocabulary and Comprehension Skills by Children with Limited Proficiency in English*, Koskinen et al., Submitted to U.S. Department of Education, Federal Grant No. HO26R20002, Institute for Disabilities Research and Training, Inc., Silver Spring, MD, 1994.

¹² Markham, “The Effects of Captioned Television Videotapes on the Listening Comprehension of Beginning, Intermediate, and Advanced ESL Students,” *Educational Technology*, Vol. 29, pp. 38-41, 1989.

¹³ Neuman and Koskinen, “Captioned Television as Comprehensible Input: Effects of Incidental Word Learning From Context for Language Minority Students,” *Reading Research Quarterly*, Vol. 27, No. 1, 1992.

¹⁴ *Id.* at 104.

Deaf Children

Learning to read and write fluently in English is a particular challenge to deaf children because of their inability to hear the spoken word. Captioned programming can help improve deaf children's reading. Research¹⁵ shows that severely to profoundly deaf students can learn and retain words better and comprehend written passages better when closed captioned television is used as a medium for instruction than when the traditional medium of print is used. Teachers report that captioned programming can motivate children to learn to read.

Again, anecdotal evidence supports this. A parent states:

I want to share the sentiments of our family that captioning has been absolutely essential to our deaf daughter's education and to her social development. Because captioning has been available to her throughout her life, she has enjoyed the benefits of quality programming for young children on our local PBS affiliate. There is no doubt that she learned from programs like Sesame Street. Although I can't prove it, I suspect that access to programming coupled with early exposure to "reading " captions contributed to her ability to read fluently at the age of 3 and a half. That's an unusual accomplishment among deaf children! She continues to have an extremely high reading level (above 9th grade and she's in third grade) and I honestly believe that access to captioning contributed to this.

We are already seeing a benefit from captioning with our two-year old hard of hearing son. He knows his colors and recognizes about half of the letters in the alphabet and is totally enamored with Sesame Street characters. While the above traits are not uncommon among two year olds, they are remarkable for deaf children. I sincerely believe that access to captioning is having a positive impact on his development as well.

Captioning is particularly useful in exposing deaf children to everyday English dialogue, dialogue that may not be found as often in books. Children watching captioned programming see different patterns of speech and are able to use them in their own expressive English. They can also learn English slang and idioms, parts of the language they might not pick up by reading books and newspapers alone. They can learn vocabulary specific to certain

¹⁵ Koskinen et al., "Using Closed Captioned Television in the Teaching of Reading to Deaf Students," *American Annals of the Deaf*, Vol. 131, No. 1, 1986.

subjects, such as the terms used in weather prediction or in medical situations. They can learn content as well. For example, most hearing children who watch police shows can recite at an early age the Miranda warning informing criminal suspects of their rights to remain silent and to a lawyer upon arrest. With captioning, deaf children also can learn this kind of information.

Nine out of ten deaf children have hearing parents,¹⁶ and with captioning, the whole family can watch a program together. When programs are captioned the deaf or hard of hearing child doesn't have to rely on family members to explain the program. This facilitates healthy family interactions and allows the deaf child a larger measure of independence.

Convenience

Captioning has simple convenience benefits as well. Many hearing people use captions so they can watch television without disturbing other hearing people. Parents of young children find this especially useful in watching television at night. Captioning helps clarify what is said on television if it is not clear, particularly when unusual words are used. This can help expand the vocabulary and knowledge of hearing, as well as deaf people.

Public places where hearing people would benefit from having video programming captioned include airports, train stations, and other busy areas where the amount of ambient noise makes it difficult, if not impossible for anyone to understand audio announcements. Additionally, captioning is ideal for use in quiet environments, such as the workplace.

¹⁶ 1993-94 *Annual Survey of Deaf and Hard of Hearing Children and Youth*, Center for Assessment and Demographic Studies, Gallaudet University, Washington, DC.

Paragraph 14. We ask commenters to provide data regarding the current availability of closed captioning of television video programming.

While all prime time and network children's programming is captioned, rates of captioning on cable are low. There are some exceptions, such as CNN and USA. Cable companies continue to add channels, but these new channels do not have captioning. One consumer voices a typical problem: "The History Channel was just added to our basic service lineup, and it has no captioning. The "fX" (sic) Channel has just been added too, and as far as I know it has little or no captioning -- and I do so long to be able to watch the 1966-67 Batman TV series!"

Often local news is not captioned. One deaf consumer writes:

In times of severe weather here in Connecticut persons who cannot hear or understand voiced severe weather emergency warnings are left in ignorance of the danger if they must go out. What is desperately needed during severe weather is live, real-time captions as was provided by ABC local affiliate channel 5 in or near Springfield, Massachusetts. (I was visiting a friend in Ludlow, Massachusetts during the "Blizzard of '96.")

Paragraph 21. We request parties to provide information on the current and projected future levels of federal funding.

As the Commission points out, the federal Department of Education has played an important historical role in funding captioning. In the past a large percentage of this money went directly to network broadcasts for the provision of captioning. With the passage of the Telecommunications Act, video providers and owners will be required to fund their own captioning. We support redirecting government funds to research to improve caption technology, subsidize programmers that can show an undue burden, and provide start up funds to caption programs for low budget programmers and video program owners.

Paragraph 29. We generally seek comment on the appropriate balance that should be struck between providing access to Americans with disabilities through closed captioning . . . and the costs and burdens imposed by mandatory requirements.

As outlined in Paragraphs 11 and 12, captioning can benefit millions of Americans. For deaf and hard of hearing viewers, captioning is the lifeline to television's news and information. For beginning readers, illiterate adults, persons with learning disabilities, and deaf children captioning is a boost to better reading. The nation as a whole benefits economically from having an informed, literate workforce. These benefits must be given appropriate weight when balanced against the costs.

There should be no exemptions by programs, classes of programs, or services. The undue burden standard is the only one that should apply, and exemptions should be granted solely on a case by case basis. Deaf and hard of hearing people are entitled to the same access to information as hearing people have.

Paragraph 31. We also request comment on whether there are particular types of programs for which it is either impractical or unnecessary to provide closed captioning.

There are no particular types of programs for which it is either impractical or unnecessary to provide captioning. Even programs with very little audio must be captioned so the viewer is aware of what that audio information is. Wherever audio appears, captioning should appear.¹⁷

¹⁷Although it is outside the scope of this Notice of Inquiry, we would like to comment on a new technology, Radio Broadcast Data System (RBDS). RBDS translates radio broadcasts into text, which appears on a device placed wherever one can have a radio. In other words, RBDS allows "listeners" to "read" the radio. This technology currently is in use in over 200 radio stations nationwide, with perhaps 500 radio stations offering it within the next year. We support the expansion of RBDS for use over the airwaves and, if future technology moves in

Paragraph 33. We also request comment on the current accuracy of closed captioning on television programming.

Quality

Although CAN is pleased to see the increase in captioning over the past few years, problems exist. Many audio segments are not captioned at all, and often captions are stripped or garbled. Although all prime time network programming is captioned, many spots shown during that time are not. These include previews for the show about to be aired, recaps of previous episodes, coming attractions, and information provided during station breaks. Further, open character generated announcements on such important information as election results, emergency warnings, school closings, and weather advisories are obscured. Care must be taken to ensure that one type of captioning does not obscure another type.

Another problem occurs on local news programs when the newscast is captioned with computer-generated captioning, also known as electronic newsroom captioning. This shows only the script for the news. Frequently captioning done this way is out of sync with the news report, lagging far behind or jumping way ahead of the anchor's delivery. Live shots, weather reports, spontaneous conversation between the anchorpersons, and any other information not previously scripted is not captioned. One consumer observes:

The local news stations stand room for major improvement; the networks are captioned and I'm grateful. However, they do not caption "live" segments, nor is the weather captioned. Also, the small talk between the news anchors, sports announcer, or meteorologist is not captioned. . . and I've no idea what they're laughing about.

that direction, through cable or telephone lines. Radio information must be accessible to deaf and hard of hearing people, just as it is to hearing people.

Stripping of captions can occur when programming moves through several venues before it reaches a particular provider. For example, one program can go from the movie theater to premium cable to basic cable or local stations. As these programs move from venue to venue, they are often edited to fit into smaller time frames. Although the visual scenes and the auditory track remain intact, editing can remove captioning. Therefore, every time a provider edits a program, the provider must inspect, and if necessary, reformat the captioning.

Sometimes captions are stripped when the signal from the point of origination - a network broadcast or cable company - passes through a local provider. This results from an engineering monitoring error at the local provider. Frequently when consumers call the local provider to find out what happened to the captions the engineer has no idea that captions were even being transmitted. One viewer explains, "When we had cable, we had to call about once a month to tell the cable company that they had failed to turn on the captioning for a program we knew was captioned. This was common for nationally transmitted shows." Adding to the frustration is the length of time it takes to call a station while the program continues and the viewer misses what is happening. Further, at many stations, no one is available to talk to viewers outside daytime business hours.

Response to consumer complaints can be discouraging. One viewer contacted the producers of the Cartoon Network's popular program, "Space Ghost: Coast to Coast" to ask why the program wasn't captioned. In reply the producers asked, "What is closed captioning?"

Another problem that occurs is when a program is captioned in one venue, but not in another. This occurred, for example, with the movie, "The

Last Emperor,” where the home video was captioned, but the television version was not. Additionally, often commercials are not captioned.

As we have pointed out, captioning needs to be thought of as integral to video programming. It needs to be part of the production process the same way sound is. When it is treated as essential, these problems will be reduced.

Proposed Standards

With the passage of the Telecommunications Act, the amount of captioned programs will greatly increase. While we applaud that progress, we are concerned that new captioning companies entering the market may not maintain appropriate standards of quality. We propose the FCC establish captioning guidelines to ensure functionally equivalent access. Such guidelines should address, for example, whether captions should or should not be verbatim and whether captioning services or the individuals working for those services to caption programs should meet or exceed certain credentials. In establishing these guidelines, the Commission should seek and address the input and feedback of deaf and hard of hearing consumers who watch captioned material. The Commission should also periodically review the guidelines to ensure that they are having their desired effect and that they take into account new captioning or programming technologies. We propose these minimum guidelines.

- Individuals who depend on captioning must receive information about the audio portion of the program which is functionally equivalent to the information available through the program’s soundtrack. Caption data and information contained in the soundtrack must be delivered intact throughout the entire program. Commercials and station news aired during programs that are required to be captioned should be captioned as well.
- Standards for proper spelling, grammar, timing, accuracy, and placement should be devised.

- Captions must include all elements of the soundtrack necessary for accessibility, including verbal information, identification of the speaker if it is not already clear, sound effects, and audience reaction.
- Captions should be provided in the style and standards which are appropriate for the particular type of programming that is being captioned. For example, due to the problems outlined above, local newscasts and other live programming should be live captioned.
- Captioning must be reformatted as necessary if the programs on which they are included have been compressed or edited.
- Captioning must remain intact as it moves from its point of origination through the distribution chain to the local video provider.
- Open character generated announcements must not obscure program captioning, and vice versa. Standards must be developed to ensure the appropriate placement of these scrawls.
- Program tapes should be labeled as to whether they are captioned to ensure that the closed captioned master tape is used for duplication as the program moves through the distribution chain.

Paragraph 34. Transition. We seek comment on appropriate timetables for implementing any closed captioning . . . requirements that may be imposed.

The Commission's goal should be one hundred percent captioning, subject to the undue burden exemption. To caption only certain programs or during certain time slots imposes limits on what deaf and hard of hearing people can watch. It leaves viewers to watch only what is available, not what they necessarily want to watch and amounts to a form of censorship.

However, we recognize that the leap to one hundred percent cannot occur overnight. We propose the following timetable:

- The Commission should require that upon the effective date of its rules all programs that had previously been aired with captions immediately be reformatted and exhibited with captions.
- The Commission should require premium cable channels to caption 100 percent of their programming within 90 days of the effective date of their

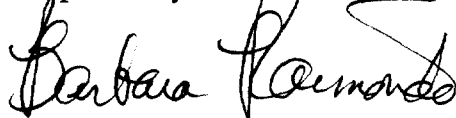
rules. Viewers pay a substantial rate for these well funded services, yet acquire only partial access to the programming.

- The Commission should begin to require captioning of new programming within six months of the effective date of its rules. The actual schedule can depend on the size of video programmer or owner, the type of program, and the time slot for the program. Larger programmers or owners should be subject to the rules sooner than smaller ones. News, current affairs, and educational children's programs should be considered a priority. Except for children's programming, prime time programming should take precedence over programs aired during other time slots. All new programming should be required to be captioned within two years of the effective date of the rules.
- The timetable for previously aired programs should follow the same pattern as that for new programming. However, due to the volume of material a longer time span will probably be needed. All previously aired programming should be captioned no later than three to five years after the effective date of the Commission's rules.

Conclusion

The Consumer Action Network looks forward to the opening of the information superhighway made possible by the Telecommunications Act of 1996. We thank the Commission for the opportunity to comment, and we applaud the Commission's commitment to making access to telecommunications services a reality for all Americans.

Respectfully submitted,



Barbara Raimondo, Esq.
Legislative Representative
Consumer Action Network

March 15, 1996

128 North Abingdon Street
Arlington, VA 22203
(703) 528-0170 TTY/Voice

Consumer Action Network
Al Sonnenstrahl, Chair
8719 Colesville Road, Suite 300
Silver Spring, MD 20910
(301) 589-3006 TTY
(301) 589-3786 Voice

Regular Members

American Association of the Deaf-Blind
American Athletic Association of the Deaf
American Society for Deaf Children
Association of Late Deafened Adults
Deaf Women United, Inc.
Gallaudet University Alumni Association
National Association of the Deaf
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American Deafness and Rehabilitation Association
Convention of American Instructors of the Deaf
The Caption Center
Conference of Educational Administrators Serving the Deaf, Inc.
National Captioning Institute
Registry of Interpreters for the Deaf, Inc.



Information from the National Captioning Institute, Inc.

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Contact: Morgan Bramlet
(703) 998-1530 (V/TDD)
(703) 998-2458 (FAX)

NEARLY 100 MILLION AMERICANS CAN BENEFIT FROM WATCHING CAPTIONED TV

Over the years, NCI research has shown that many can benefit from watching captioned TV. These audiences include: people who are deaf or hard of hearing; those learning English as a second language; young children learning to read; remedial readers; and illiterate adults. Today, the potential U.S. audience for captioned television is estimated at nearly 100,000,000.

Audiences that can benefit from captioned TV:



SOURCE:
Gallaudet
University
1993

- of this group, 14 million people have a loss that affects their ability to enjoy television
- SOURCE: NCI Market Facts Study, 1988



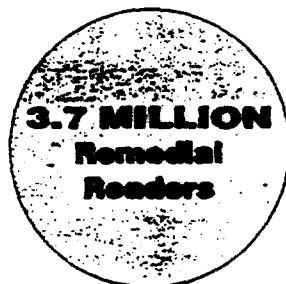
SOURCE:
U.S. Census
Bureau
1990

- of the above, 7.7 million Hispanics who speak *only* Spanish
- of the above, 3 million Asians who speak *only* their native language
- 1.6 million Hispanics and Asians in adult education (SOURCE: DoED, 1991)



SOURCE:
U.S. Department
of Education
1991

- .6 million children in Head Start
- 3.7 million kindergartners
- 3.9 million 1st graders
- 3.8 million 2nd graders



SOURCE:
U.S. Department
of Education
1991

- figure based on Compensatory Education Program targeted at students (K-12) who receive scores below 50% on standardized tests



SOURCE:
U.S. Department
of Education
1985

- 56 percent are under the age of 50
- 41 percent live in metropolitan areas, 8 percent in rural areas



Consumers wanting additional information on captioning can write to NCI at:
National Captioning Institute • 5203 Leesburg Pike • Falls Church, Virginia 22041